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GOVERNMENT OF SIKKIM
TRANSPORT DEPARTMENT
MOTOR VEHICLES DIVISION
GANGTOK

NO: 43 /MV/T **DATED: 20/07/2006**

NOTIFICATION

The following draft of certain rules which the State Government proposes to make in exercise of the powers conferred by section 4,28,38,65,95,96,107,111,138 and 176 read with section 211 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988), is hereby published as required by sub-section (1) of section 212 of the said Act for information of all persons likely to be affected thereby and notice is hereby given that the said draft would be taken into consideration after the expiry of a period of 45 days from the date on which the copies of the notification as published in the Official Gazette are made available to the public.

Any objections or suggestions which may be received from any person with respect to the said draft rules before the expiry of the period so specified shall be considered by the State Government.

DRAFT RULES

Short title, extent and Commencement.

1. (1) These rules may be called the Sikkim Motor Vehicles (Amendment) Rules, 2006.

(2) They shall extend to the whole of Sikkim.

(3) They shall come into force on such date as the State Government may by Notification appoint.

Insertion of new definition clause

2. In the Sikkim Motor Vehicle Rules, 1991(herein after referred to as the said rules), in rule 2,: -

(1) after clause (g) the following clause shall be inserted, namely: -

"(ga)."Hill Roads" means all roads in Sikkim."

(2) after clause (h) the follow ise shall be inserted, namely: -

"(ha). "Luxury tourist Vehicle" r. . .hose vehicles (motor cabs) whose price range from Rs. 6 Lakhs and above and the vehicle shall be fitted with AC, music system, power window and power steering etc."

Substitution of of rule 6

3. In the said rule for rule 6 the following shall be substituted namely:-
"6. Authorisation for certain licenses for hill roads of Sikkim-"No person who is in possession of a driving license issued from outside Sikkim (except those issued from hilly regions) shall drive a Transport vehicle (Light, Medium or Heavy) on the hill roads of Sikkim unless he obtains an authorisation to drive such vehicles from any Licensing Authority in Sikkim with a permission to drive upon the hill roads in Sikkim duly making an application and payment of Rs. 50/-. The authorization would be issued subject to his competence to drive on the hill roads."

Insertion of of new rule 6A and 6B

4. In the said rules, after rule 6, the following rules shall be inserted ,namely: -
" 6A. Certain condition for renewal of Transport driving license -
An application for renewal of Transport driving license may beside other requirements should enclose a certificate of passing a refresher course at any one of the recognized Driving Training School or from the Road Safety Cell of the Traffic Police.
6B. Authorisation to drive Luxury Tourist Vehicles-
No person shall drive a Luxury Tourist Vehicle unless he obtains an authorization from any Licensing Authority in Sikkim to drive such vehicles duly making an application and on payment of Rs. 50/-."

Insertion of Sub-rule 2 in Rule 8

5. In the said rules, the rule 8 shall be re-numbered as sub-rule (1) and the following sub rule shall be inserted namely: -
"(2) Every application for driving license under sub rule (1) of rule 14 of the Central Motor Vehicles Rules, 1989, in addition to the documents required under rule 4 of the Central Motor Vehicle Rules,1989 the applicant shall produce a certificate issued by the Officer-in-charge of the local police station or Panchayat under which the applicant resides verifying thereon the address of the applicant or a similar certificate from a Gazetted Officer, subject to the satisfaction of the Licensing Authority."

Amendment of rule 20

6. In the said rule for sub-rule (iv) of rule 20, the following shall be substituted, namely: -
"(iv) Shall be clean and properly dressed and shall not drive while wearing open sandle or chappal on."

Insertion of new rule 23(A)

7. In the said rule, after rule 23, the following rule shall be inserted namely; -
"23(A) validity of the licence of Driving Schools and Establishments: -
"The validity of the licence of the Driving Schools and Establishments shall be subject to fulfillment of "General conditions" prescribed under rule 27 of the Central Motor Vehicles rules, 1989, which shall be certified by the Licencing authority or any other competent authority on an annual basis."

Insertion of new rule 38A

8. In the said rule after rule 38, the following rule shall be inserted namely: -
"38A.Enquiries to be made by the Registering Authority: -
(1) Upon the receipt of an application for registration or for any other purpose under the Act, the registering authority shall make such enquiries as may be reasonably necessary to establish the identity, eligibility and bonafides of the applicant.
(2) Every application for registration under section 41 of the Act, where the document required under clause (e) of sub-rule (1) of rule 47 of the Central Motor Vehicles Rules, 1989, is not furnished shall also be accompanied by a certificate issued by the Officer-in-charge of the local police station under which the applicant resides verifying thereon the address of the applicant or a similar certificate from an officer of the Central or State Government subject to the satisfaction of the registering authority.
(3) Every application for transfer of ownership of a motor vehicle under section 50 of the Motor Vehicles Act, 1988 shall also be accompanied by a sale-receipt issued by the transferor in the format as may be specified by order of the State Government."

Amendment of rule 39

9. In the said rule for sub-clauses(a), (b), (c), (d),(e) of sub-rule (IA) of the rule 39 following shall be substituted, namely: -

"(a) Two wheelers - Rs. 100/-
(b) Light Motor Vehicle - Rs. 200/-
(c) Medium Motor Vehicle - Rs. 300/-
(d) Heavy Motor Vehicle - Rs. 400/-"

Amendment of rule 93

10. In the said rules, in rule 93, for the existing sub-rule (2) the following shall be substituted, namely: -

"(2). Fee for grant and renewal of permit other than temporary and special permit: -

(a) <u>Goods carriage to ply within Sikkim</u>

(i) Initial grant of permit - Rs. 10,000/- for 5 years
(ii) Renewal of permit - Rs. 7500/- for 5 years.

(b) <u>Contract Carriages</u>
(other than Motor Cab and Maxi Cab)
(i) Initial grant of permit
(Originating from Gangtok) - Rs. 10,000/- for 5 years.
(ii) Renewal of permit - Rs. 5000/- for 5 years.

(C). (i) Initial grant of permit
(Originating from District - Rs. 7000/- for 5 years.
(ii) Renewal of permit - Rs. 4000/- for 5 years

(d). (i) Initial grant of permit - Rs. 5000/- for 5 years.
(originating from other places)
(ii) Renewal of permit - Rs. 3000/- for 5 years

(e) <u>Contract Carriages</u>
<u>(Motor cab and Maxi cab)</u>

(i) Initial grant of permit for Motor Cab - Rs.10000/- for 5years.
for (local taxi) Gangtok and surrounding
areas i.e. 20 KM from Gangtok.
(ii) Renewal of permit years - Rs.5000/- for 5 .

(f) (i) Initial grant of permit for motor cab (local - Rs.5000/- for 5 years.
taxi) for District Headquarters.
(ii) Renewal of permit - Rs.3000/- for 5 years.

(g).(i) Initial grant of permit for motor cab - Rs.2000/- for 5 years.
(local taxi) for other places.
(ii) Renewal of permit - Rs.2000/- for 5 years.

(h).(i) Initial grant of permit for maxi cab - Rs.5000/- for 5 years.
(taxi) originating from Gangtok.
(ii) Renewal of permit. - Rs.3000/- for 5 years

(i).(i) Initial grant of permit for maxi cab - Rs.3000/- for 5 years.
(taxi) originating from other District
Headquarters.
(ii) Renewal of permit - Rs. 2500/- for 5 years

(j).(i) Initial grant of permit maxi cab - Rs. 2000/- for 5years.
(taxi) for other places.
(ii) Renewal of permit - Rs. 2000/- for 5 years

(k) <u>Stage Carriages</u>.
(i) Initial grant of permit for Stage - Rs. 5000/- for 5years.
Carriage originating from Gangtok.
(ii) Renewal of permit - Rs. 3000/- for 5 years

(l).(i) Initial grant of permit for Stage Carriages originating from District Headquarters.	- Rs. 3000/- for 5 years.
(ii) Renewal of permit	- Rs. 2000/- for 5 years.
(m).(i) Initial grant of permit for Stage Carriages originating from other Places.	- Rs. 2000/- for 5 years.
(ii) Renewal of permit	- Rs. 1500/- f or 5 years.
(n). <u>Luxury Tourist Vehicles.</u>	
(i) Initial grant of permit for 5 seats	- Rs. 10000/- for 5 years.
(ii) Renewal of permit	- Rs. 7500 for 5 years
(o).(i) Initial grant of permit for 4 seats	- Rs. 8000/- for 5 years.
(ii) Renewal of permit	- Rs. 6000/- for 5 years
(p).(i) Initial grant of permit beyond 5 seats and upto 16 seats.	- Rs. 15000/- for 5 years.
(ii) Renewal of permit	- Rs. 10,000/-for 5 years.
(q).(i) Initial grant of permit beyond 16 seats	- Rs. 20000/- for 5 years.
(ii) Renewal of permit	- Rs. 15,000/- for 5 years
(r) <u>Private Service Vehicle</u>	
(i) Initial grant of permit	- Rs. 5000/- for 5 years.
(ii) Renewal of permit	- Rs. 5000/- for 5 years

(s) <u>Late fee.</u>

The fees for renewal of route permits for all categories of motor vehicles shall be paid within a grace period of 15 days from the date on which fees become payable. The penalty shall be imposed after the expiry of the grace period. If the last date of the grace period is a Sunday or a public holiday, the fee shall be accepted without penalty on the next working day. The penalty payable shall be as under:

(i) After the expiry of 15 days (Grace period) the penalty shall be 50% on the fee prescribed.

(ii) After the expiry of 30 days the penalty payable shall be 100% on the fee prescribed.

(t) Fee for grant or renewal of countersignature of permit:-	
(i) Goods carriages	Rs. 3000/- Per Annum.
(ii) Stage carriages	Rs. 3000/- Per Annum.
(iii) Contract carriages (other than motor cab/maxi cab)	Rs. 3000/- Per Annum.
(iv) Contract carriages (motor cab/maxi cab)	Rs. 2500/- Per Annum.
(u) Fee for grant of recommendation for counter signature of permit;-	
(i) Goods carriages	Rs. 2500/- Per Annum.
(ii) Stage carriages	Rs. 2500/- Per Annum.
(iii) Contract carriages (other than motor cab/maxi cab)	Rs. 2500/- Per Annum.
(iv) Contract carriages (Motor cab/maxi cab)	Rs. 700/- Per Annum."

Insertion of new sub-rule (3b) in rule 93

11. In the said rule after sub-rule (3a) of rule 93 the following sub- rule shall be inserted namely:-

"(3b) Application fee for issue or renewal of permits: -

(i) Goods carriages	Rs. 300/-
(ii) Stage carriages	Rs. 300/-
(iii) Contract carriages (other than motor cab/maxi cab)	Rs. 300/-
(iv) Luxury tourist vehicle (motor cab)	Rs.500/-

(v)	Luxury tourist Vehicles (other than motor cab)	Rs. 700/-
(vi)	Contract carriages (Motor cab/maxi cab)	Rs. 200/-
(vii)	Private service vehicles	Rs. 200/-"

Amendment of of rule 93

12. In the said rule for sub-rule (3) of rule 93 the following shall be substituted namely: -

"(3) The fee for grant of temporary permit or special permit shall be as follows: -

(i)	Goods carriages	Rs. 300/-per trip
(ii)	Stage carriages	Rs. 200/- per week Rs. 800/- per month
(iii)	Contract carriages (other than motor cab/maxi cab)	Rs. 200/- per week Rs. 800/- per month
(iv)	Contract carriages (motor cab and maxi cab)	Rs. 100/- per week Rs. 400/- per month"

Amendment of rule 97

13. In sub-rule (1) of rule 97, the words "two hundred fifty rupees" shall be substituted by words "five hundred rupees" and the words "five hundred rupees" shall be substituted by words "seven hundred rupees, respectively."

Amendment of rule 110

14. In the said rule, in rule 110 for sub-clauses (i) and (ii) the following clauses shall be substituted, namely: -

"(i)	Goods carriages, Stage carriages, Contract carriages other than Motor cab and maxi cabs	Rs. 2000/-
(ii)	Contract carriages (motor cabs and maxi cabs)	Rs. 1000/-"

Insertion of new Sub-rule 5 and 6 in rule 160

15. In the said rule, after sub rule (4) of rule 160 the following sub rules shall be inserted namely: -

"(5) The State government may by Notification restrict the use of horns in certain areas or portions of the road.

(6) No motor vehicle shall use horn at night (between 10 p.m. and 6 a.m.) in residential areas except in exceptional circumstances."

Amendment of Rule 177

16. In the said rule after sub rule (2) of rule 177 the following sub rule shall be inserted namely: -

(3) Playing of radio/tape/TV etc. in a motor vehicles: -

(i) No radio set or cassette player, microphone or video set, T.V.set or any other apparatus to display any object on the screen with or without provision for amplification of any sound or voice etc. in a motor vehicle shall be operated in such a way as to be a nuisance to the public.

(ii) No television set or video shall be fitted or kept on or near the dashboard of a motor car or other vehicles within the view of the driver.

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